

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICKELL WILLIAMS,

Petitioner,

vs.

ISIDRO BACA, *et al.*,

Respondents.

3:12-cv-00625-LRH-VPC

ORDER

On November 26, 2012, Rickell Williams, a Nevada prisoner, submitted a handwritten document that he had styled “motion for order to show cause / petitioner’s 28 U.S.C. § 2241 habeas corpus 1) application for writ of quo-warrant 2) points, authorities and memorandum in support of motion to dismiss for lack of subject-matter jurisdiction” (ECF #1-1). He has failed to either pay the filing fee or file a completed application to proceed *in forma pauperis* with the required financial documentation. Such papers are insufficient to initiate an action in this court. The Local Rules require petitioners appearing in *pro se*, such as this petitioner at this time, to file all of their complaints and petitions on the court’s approved forms. LSR 2-1. Moreover, the court can discern no grounds that may form the basis for a habeas petition in this document. Accordingly, this action is dismissed without prejudice.

Finally, the court notes that the Nevada Supreme Court online docket reflects that petitioner’s appeal of his criminal conviction is pending before that court. A petitioner must first present his grounds for relief to a state court before a federal court may review the merits of the issues he raises. To exhaust a claim, petitioner must have “fairly presented” that specific claim to the Supreme Court of Nevada. *See Picard v. Conner*, 404 U.S. 270, 275-76 (1971); *Schwartzmiller v. Gardner*, 752 F.2d 1341, 1344 (9th

1 Cir. 1984). A federal court cannot hear a mixed petition that contains both exhausted and unexhausted
2 claims for habeas corpus relief. *Rose v. Lundy*, 455 U.S. 509, 521-22 (1982); *Szeto v. Rusen*, 709 F.2d
3 1340, 1341 (9th Cir. 1983). If a single one of the claims in the petition is unexhausted, the court is
4 obliged to dismiss the petition for lack of exhaustion.

5 **IT IS THEREFORE ORDERED** that this action is **DISMISSED** without prejudice.

6 **IT IS FURTHER ORDERED** that the Clerk shall **SEND** to petitioner (1) the approved form
7 for a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254; (2) the document "Information and
8 Instructions for filing a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254; and (3) the
9 approved form for an application to proceed *in forma pauperis*.

10 **IT IS FURTHER ORDERED** that the Clerk shall **ENTER JUDGMENT** accordingly and close
11 this case.

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13 DATED this 28th day of January, 2013.



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16 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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